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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY - 9 2005

In the Matter of)	MM Docket No. 05-118	Federal Communications Commission Office of Secretary
)	RM-11183	
Amendment of Section 73.202(b),)		
Table of Allotments,)		
FM Broadcast Stations.)		
(Knoxville, Illinois))		

To: Marlene H. Dortch, Secretary, Federal Communications Commission
Attn: Assistant Chief, Audio Division, Media Bureau

COUNTERPROPOSAL OF CUBA RADIO PARTNERS

Cuba Radio Partners ("CRP"), by its attorneys and pursuant to Section 1.420(d) of the Commission's Rules, hereby respectfully submits this counterproposal in the above-captioned proceeding. CRP requests amendment of the Table of Allotments, FM Broadcast Stations, to allot Channel 292A to Cuba, IL¹, in lieu of the proposal of Paul B. Christensen ("Christensen") to allot Channel 291A to Knoxville, IL.

In support hereof, the following is respectfully shown:

By a multiple docket *Notice of Proposed Rule Making* ("NPRM"), DA 05-707, released March 18, 2005, the Assistant Chief of the Media Bureau's Audio Division, in pertinent part, invited comments and counterproposals with respect to a "Petition For Rule Making" ("PFRM") filed by Christensen on or about April 23, 2004². Christensen

¹ Cuba respectfully requests addition of Cuba, Illinois, to the caption.

² It is respectfully noted that Christensen previously proposed the identical allotment of Channel 291A to Knoxville, IL, in November 2002. The Audio Division requested comments and counterproposals by a *Notice of Proposed Rule Making* in MB Docket No. 03-70, RM-10670, released March 14, 2003. Christensen failed to file comments supporting the requested allotment. Therefore, Christensen's proposal was dismissed.

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seeks to allot Channel 291A to Knoxville, IL, as that community's second local aural transmission service. CRP herein proposes to instead allot Channel 292A to Cuba, IL, as Cuba's first local aural transmission service.³ CRP intends to apply for a construction permit to establish a new FM station on Channel 292A at Cuba if its proposal is adopted.

Cuba qualifies as a "community" for allotment purposes. Cuba is an incorporated community located in Fulton County, IL. The 2000 U.S. Census shows that that Cuba has a population of 1,418 persons. Generally, if a community is incorporated or listed in the U.S. Census, that is sufficient to demonstrate that it is a "community" for allotment purposes.⁴ As Cuba is incorporated and listed in the U.S. Census, it is qualified for allotment of a local radio service on these bases alone. Cuba also has additional characteristics of a "community," including: its own police department; its own fire-rescue squad; its own public school district, comprised of Cuba Elementary School, Cuba Middle School, and Cuba Senior High School; its own public library system; its own post office and zip code (61427); local churches, including Cuba United Methodist Church, Christian Church of Cuba, Cuba Church of the Nazarene, and the Assembly of God Church; local health care services and the Cuba Senior Citizens Center; local fraternal organizations, including the Masonic Lodge of Cuba and a local American Legion Post; and numerous commercial establishments.

See Report and Order, MB Docket No. 03-70, DA 03-3291, 18 FCC Rcd 25801 (Asst. Chief, Audio Division, released December 16, 2003).

³ The *NPRM* established May 9, 2005 as the deadline for filing comments and counterproposals. Accordingly, the instant counterproposal is timely filed.

⁴ *Strattanville and Farmington Township, PA*, 15 FCC Rcd 23848 at para. 5 (Chief, Alloc. Br., released December 1, 2000), *recon. denied*, 17 FCC Rcd 7203 (Asst. Chief, Audio Div. 2002).

Attached hereto as Exhibit A is an Engineering Statement prepared by Jeremy D. Ruck, P.E., of D.L. Marley & Associates, Inc., broadcast consulting engineers whose qualifications are well known to the Commission. The Engineering Statement shows that the requested allotment of Channel 292A at Cuba complies with the Commission's coverage and spacing requirements, without any site restriction, from the following reference coordinates:

40-25-50	N. Lat.
90-14-05	W. Long.

According to the Engineering Statement, the reference coordinates will provide line-of-sight 70 dBu coverage of the entire community of Cuba.

Section 73.207 of the Rules would require a minimum spacing of 72 km. between CRP's proposal to allot Channel 292A at and Christensen's proposal to allot Channel 291A at Knoxville. According to the Engineering Statement, the actual distance between the proposed Cuba and Knoxville allotments is 53.22 km. Therefore, the Cuba and Knoxville proposals are mutually exclusive. The Engineering Statement reports that no other channel was found that could be allotted to Cuba at this time that would comply with the Commission's technical rules. Therefore, the Cuba and Knoxville proposals must be evaluated comparatively to determine which allotment should be preferred.

The Commission evaluates conflicting allotment proposals pursuant to the "allotment priorities" set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC 2d 88 (1982). The allotment priorities are:

- (1) First full-time aural service;
 - (2) Second full-time aural service;*
 - (3) First local service;* and
 - (4) Other public interest matters.
- *Priorities (2) and (3) are given co-equal weight.

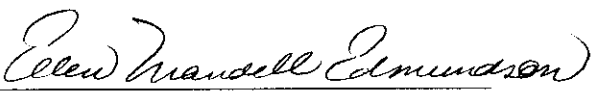
Priorities (1) and (2) are not implicated in the instant comparison. CRP's proposal to allot Channel 292A will provide Cuba with its first local aural transmission service and therefore is entitled to a first local service preference under Priority (3). On the other hand, Knoxville already has one local FM station, and thus the proposal to allot Channel 291A to Knoxville triggers a lower priority. Therefore, pursuant to the Commission's well-established allotment priorities, allotment of Channel 292A at Cuba would result in a more preferential arrangement of allotments than allotment of Channel 291A at Knoxville.

WHEREFORE, the premises considered, it is respectfully submitted that the proposal to allot Channel 292A at Cuba, IL, should be granted and the FM Table of Allotments should be amended accordingly:

<u>Community</u>	<u>Channel</u>	
	<u>Present</u>	<u>Proposed</u>
Cuba, IL	-----	292A

Respectfully submitted,

CUBA RADIO PARTNERS

By 
 Ellen Mandell Edmundson
 Its Attorney

Edmundson & Edmundson
 1818 N Street, N.W. – Suite 700
 Washington, DC 20036
 202-223-8580
 May 9, 2005

EXHIBIT A

Engineering Statement

The following engineering statement and attached exhibits have been prepared for **Cuba Radio Partners** and are in support of their counterproposal to RM-11183 in MB Docket 05-118.

The above referenced rulemaking filed by Paul B. Christensen, Esq., proposed the allotment of channel 291A to Knoxville, Illinois as that community's second local service. **Cuba Radio Partners** seeks to file a counterproposal to RM-11183 by proposing to modify the table of allotments in Section 73.202 of the Commission's Rules as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Knoxville, Illinois	287A	287A
Cuba, Illinois	-----	292A

Cuba Radio Partners respectfully submits that the public interest would be better served by allocating channel 292A to Cuba, Illinois instead of channel 291A to Knoxville, Illinois. Both proposals would be mutually exclusive. There are no other channels that could be allotted to Cuba, Illinois at this time which would be in compliance with the Commission's Rules.

The proposed allocation to Cuba, Illinois would be that community's first local aural FM transmission service. Cuba is an incorporated community located in Fulton County in the State of Illinois and has a residential population of 1,418 persons.

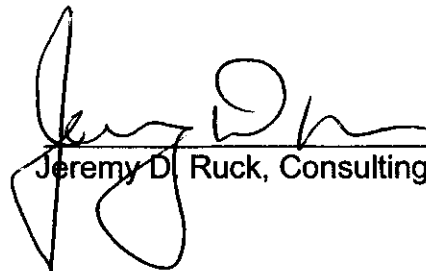
Cuba is a viable community as it has its own police department, fire protection district, and post office. In addition, Cuba has a public school district with elementary, middle, and high schools. There are several churches located within Cuba, and a wide range of local businesses.

Channel 292A could be allocated to Cuba, Illinois in compliance with Sections 73.207(b) and 73.315(a)-(b) as demonstrated in the attachments to this engineering statement. The reference coordinates for channel 292A at Cuba, Illinois are 40-25-50 North Latitude and 90-14-05 West Longitude. The attached spacing study demonstrates that from these reference coordinates, which are located 8.0 kilometers to the southwest of the center of Cuba, that all Section 73.207 spacings would be met existing and proposed facilities as well as vacant allotments, with the exception of the 291A rulemaking at Knoxville, Illinois, for which this is a counterproposal. The petitioner will file an application for construction permit with the Commission to utilize this allocation once it is approved by the Commission and a filing window opened.

Following this single channel spacing study is a computer generated coverage map, which illustrates the predicted 70 dBu service contour from the allocation reference coordinates assuming an effective radiated power of 6.0 kilowatts and a center of radiation of 100 meters above average terrain. As the map clearly indicates, the predicted 70 dBu service contour from the reference site would totally encompass the community of license. There are no major terrain obstructions between the proposed reference coordinates and the community of license.

The preceding statement and attached exhibits have been prepared by me, or under my direction, and are true and accurate to the best of my belief and knowledge.

05/05/05
Date


Jeremy D. Ruck, Consulting Engineer

D.L. Markley & Associates, Inc.
 Consulting Engineers
 Rulemaking Counterproposal - Cuba, Illinois
 Cuba Radio Partners

REFERENCE
 40 25 50 N
 90 14 05 W

CLASS = A
 Current Spacings

DISPLAY DATES
 DATA 05-05-05
 SEARCH 05-05-05

----- Channel 292 - 106.3 MHz -----

Call		Channel	Location		Azi	Dist	FCC	Margin
RADD	ADD	291A	Knoxville	IL	355.5	53.22	72.0	-18.78
WSWT	LIC	295B	Peoria	IL	61.8	69.33	69.0	0.33
KCQQ	LIC	293C1	Davenport	IA	353.8	134.32	133.0	1.32
WXMP.C	CP	289B	Peoria	IL	62.5	71.37	69.0	2.37
WXMP	LIC	289B	Peoria	IL	61.7	71.73	69.0	2.73
WSMIFM	LIC	291B	Litchfield	IL	157.7	140.85	113.0	27.85
WPWQ	LIC	294B1	Mount Sterling	IL	228.9	82.31	48.0	34.31
WGCY	LIC	292A	Gibson City	IL	84.0	160.75	115.0	45.75
WGLO	LIC	238B1	Pekin	IL	71.4	62.11	12.0	50.11
WYYS	LIC	291A	Streator	IL	53.6	142.21	72.0	70.21
WYYS.A	APP	291A	Streator	IL	48.3	142.29	72.0	70.29
WARH	LIC	293C1	Granite City	IL	182.2	206.34	133.0	73.34

ALLOC

Proposed Rulemaking

Latitude: 40-25-50 N

Longitude: 090-14-05 W

ERP: 6.00 kW

Channel: 292

Frequency: 106.3 MHz

AMSL Height: 278.56 m

COR: 100 m HAAT

Horiz. Pattern: Omni

Vert. Pattern: No

Prop Model: FCC Method

D.L. Markley & Associates, Inc.

Cuba, Illinois

• ALLOC

Predicted 70 dBu Service Contour
from Allocation Reference Coordinates
Rulemaking Counterproposal - Cuba, IL
Cuba Radio Partners
May, 2005


Scale 1:250,000



Certificate of Service

I hereby certify that a copy of the foregoing "Counterproposal of Cuba Radio Partners" was sent by U.S. Mail, postage prepaid, this 9th day of May, 2005, to the following:

Paul B. Christensen, Esq.
Law Offices of Paul B. Christensen
3749 Southern Hills Drive
Jacksonville, FL 32225


Ellen Mandell Edmundson